

J. Sanford
1-10-03
51 Records.

Atty. Docket No.: 27458-22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-----------------------|---------------|-----------------|----------------------------|
| In re Application of: |) | Group Art Unit: | 3635 |
| Gary Sprague |) | | |
| Serial No.: | 10/092,774 ✓ |) | Examiner: Varner, Steve M. |
| Filed: |) |) | |
| For: | March 5, 2002 |) | |
| |) |) | |
| |) |) | |
| |) |) | |

San Diego, California
December 27, 2002

Commissioner for Patents
Washington, D.C. 20231

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JAN 07 2003
GROUP 3600
RESPONSE TO OFFICE ACTION

In response to the Office Action dated September 27, 2002, please consider the following
remarks.

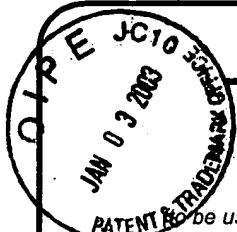
CERTIFICATE OF MAILING

I hereby certify that this correspondence and anything being referred to as enclosed herein is being deposited with the United States Postal Service via first class mail with sufficient postage in an envelope addressed to BOX NON-FEE AMENDMENT, Commissioner for Patents, Washington, D.C. 20231 on this 27th day of December, 2002.

Signature:


Jeff Beno

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

PATENT & TRADEMARK OFFICE
be used for all correspondence after initial filing)

| | | | |
|--|---|------------------------|------------------|
| | | Application Number | 10/092,774 |
| | | Filing Date | 03/05/2002 |
| | | First Named Inventor | Gary Sprague |
| | | Group Art Unit | 3635 |
| | | Examiner Name | Varner, Steve M. |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 27458-22 |

ENCLOSURES (check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment / Reply
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CDs

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter

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Other Enclosure(s) (please identify below):
Return postcard.

GROUP 3000

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|------------------------------------|
| Firm or Individual name | Mitchell P. Brook, Reg. No. 32,967 |
| Signature | |
| Date | 12/27/2002 |

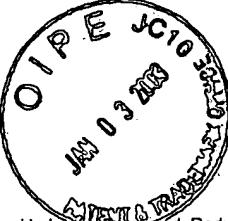
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December 27, 2002

| | | | |
|-----------------------|-----------|------|------------|
| Typed or printed name | Jeff Beno | | |
| Signature | | Date | 12/27/2002 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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FEE TRANSMITTAL

for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Cmplt if Known

| | |
|----------------------|------------------|
| Application Number | 10/092,774 |
| Filing Date | March 5, 2002 |
| First Named Inventor | Gary Sprague |
| Examiner Name | Varner, Steve M. |
| Art Unit | 3635 |
| Attorney Docket No. | 27458-22 |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None

 Deposit Account:

50-2298

 Deposit Account Number
 Luce, Forward, Hamilton & Scripps LLP

The Commissioner is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments

 Charge any additional fee(s) during the pendency of this application

 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Fee Code (\$) | Small Entity | Fee Code (\$) | Fee Description | Fee Paid |
|-------------------|---------------|--------------|---------------|------------------------|----------|
| 1001 | 740 | 2001 | 370 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 510 | 2003 | 255 | Plant filing fee | |
| 1004 | 740 | 2004 | 370 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| | -20** = | X | = |
| Independent Claims | - 3** = | X | = |
| Multiple Dependent | | | = |

| Large Entity | Small Entity | Fee Description |
|-------------------|--------------|---|
| 1202 | 18 | 2202 9 Claims in excess of 20 |
| 1201 | 84 | 2201 42 Independent claims in excess of 3 |
| 1203 | 280 | 2203 140 Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 42 ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 9 ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) | | |

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------------|--------------|--|----------|
| 1051 | 130 | 2051 65 Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 25 Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 130 Non-English specification | |
| 1812 | 2,520 | 1812 2,520 For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 920* Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 1,840* Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 55 Extension for reply within first month | |
| 1252 | 400 | 2252 330 Extension for reply within second month | |
| 1253 | 920 | 2253 440 Extension for reply within third month | |
| 1254 | 1,440 | 2254 720 Extension for reply within fourth month | |
| 1255 | 1,960 | 2255 980 Extension for reply within fifth month | |
| 1401 | 320 | 2401 160 Notice of Appeal | |
| 1402 | 320 | 2402 160 Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 140 Request for oral hearing | |
| 1451 | 1,510 | 1451 1,510 Petition to institute a public-use proceeding | |
| 1452 | 110 | 2452 55 Petition to revive - unavoidable | |
| 1453 | 1,280 | 2453 640 Petition to revive - unintentional | |
| 1501 | 1,280 | 2501 640 Utility issue fee (or reissue) | |
| 1502 | 460 | 2502 230 Design issue fee | |
| 1503 | 620 | 2503 310 Plant issue fee | |
| 1460 | 130 | 1460 130 Petitions to the Commissioner | |
| 1807 | 50 | 1807 50 Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 180 Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 40 Recording each patent assignment per property (times number of properties) | |
| 1809 | 740 | 2809 370 Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 740 | 2810 370 For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 740 | 2801 370 Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 900 Request for expedited examination of a design application | |
| Other fee (specify) | | Terminal Disclaimer fee | 110.00 |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110.00)

SUBMITTED BY

| | | | | | |
|-------------------|-------------------|-----------------------------------|--------|-----------|-------------------|
| Name (Print/Type) | Mitchell P. Brook | Registration No. (Attorney/Agent) | 32,967 | Telephone | (858) 720-6300 |
| Signature | | | | Date | December 27, 2002 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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